

13 Oct 78

H 1

media  
SEC

LLM

Lee

## Ethics Committee Votes to Give Justice Dept. Data on Sen. Bayh

United Press International

The Senate Ethics Committee has voted to give the Justice Department evidence against Sen. Birch Bayh (D-Ind.), in its investigation of Korean influence-buying, United Press International learned yesterday.

The panel asked the Justice Department to determine whether Bayh violated the law by receiving a campaign contribution on federal property.

In addition, the committee said Bayh was in "neglect of his duties as a United States senator," and that he twice failed to disclose an offer of a large cash contribution from South Korean businessman Tongsun Park—money Park claims he contributed but which Bayh and a top aide deny receiving.

However, the committee recommended no disciplinary action against Bayh or any other past or present member implicated in the Korean influence-peddling investigation, according to a copy of the panel's report obtained by UPI.

A spokesman said Bayh was tied up in Senate floor work and will not comment on the report until he has a chance to review it fully.

The report, due to be released next week, cites a "number of conflicts in testimony and evidence." Although some "doubtless resulted from faulty recollection, in a few instances the conflicts suggest that perjury may have been committed," the panel said.

The report said the committee decided "to forward evidence in its possession that may indicate perjurious testimony" to the Department of Justice. The instances were not detailed.

The committee said it would let the Justice Department decide "whether prosecution is appropriate" in a case involving an Oct. 8, 1974, meeting in the Capitol between Bayh, Park, Washington businessman Edward Merrigan and Jason Berman, Bayh's administrative assistant.

At least one campaign contribution may have changed hands, and it is illegal for any political contribution to be received on federal property.

"The crux of the controversy is whether either Mr. Park or Mr. Merrigan contributed to the Bayh campaign at that meeting," the report said.

"Mr. Park says that both Mr. Merrigan made contributions at that meeting; Mr. Merrigan says that he, but not Mr. Park, made a contribution at that meeting; and both Sen. Bayh and Mr. Berman say that neither Mr. Park nor Mr. Merrigan made a contribution at that meeting . . ."

However, the committee said it found "substantial credible evidence" that either Bayh or Berman received a \$1,000 contribution from Merrigan for the senator's 1974 campaign at that time.